

Exhibit B

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

NORTH AMERICA PHOTON
INFOTECH, LTD.,

Plaintiff,

C.A. No. 1:22-cv-12052 (FDS)

V.

ACQUIA INC.,

Defendant.


**PLAINTIFF'S SECOND AMENDED RESPONSES TO DEFENDANT'S
INTERROGATORY NOS. 1-3**


Pursuant to Magistrate Judge Jennifer C. Boal’s March 13, 2024 Order [EFC No. 64 at 4] and Federal Rules of Civil Procedure 26 and 33, Plaintiff North America Photon Infotech, Ltd. (“Photon”) amends its responses to Interrogatory Nos. 1 through 3 of *Defendant Acquia, Inc.’s First Set of Interrogatories* as follows. The following responses to Interrogatory Nos. 1 through 3 are based upon information presently available to Photon and its attorneys. Photon will supplement these responses as additional information is discovered consistent with its obligations to do so under the Federal Rules.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1: Identify each and every Acquia product that is the basis for Your claim for additional commissions due from Your referral of Mars to Acquia as alleged in Complaint ¶¶ 18-20 and for each identified product, state; (a) The name of the Acquia product; (b) The date of the Acquia product initial subscription or service; (c) the date(s) of Acquia product subscription or service that are the basis of Your claim for unpaid commissions; and (d) net sales price of the subscription or services that is the basis of Your claim for unpaid commissions.

RESPONSE:

Document Type	General Subject Matter	Date	Author	Recipients	The date(s) of Acquia product subscription or service that are the basis of Your claim for unpaid commissions	The net sales price of the subscription or services that is the basis of Your claim for unpaid commissions
Excel spreadsheet (Acquia001484-1513 - HIGHLY CONFIDENTIAL - Bayer Mars Walgreens - All Deals 4879-4696-7203 v.1)	“All Deals” between Mars and Acquia, including (among other things) the opportunity record type, account name, opportunity name, stage, fiscal period, amount, exchange rate, USD amount, expected revenue currency, close date,	Document produced on January 26, 2024.	Acquia	Unknown	Acquia product subscriptions and services are identifiable by Acquia from the information contained in column E (Opportunity Name), rows 382-473. The date of Acquia product subscriptions and services that are the basis of Photon’s claim for unpaid commissions	The “net sales price” of Acquia product subscriptions and services for “Closed Won” are identified in column K (USD Amount) and totals 


	created date, net total first year USD, total ACV, ACV bookings sum, non recurring revenue USD, upsell bookings USD, new bookings USD, and renewal bookings USD.				is found in column P (Close Date).	
Invoices (Acquia001406-1440)	Invoices raised by Acquia to Mars.	Documents produced on January 26, 2024.	Acquia	Mars	Acquia product subscriptions and services and dates regarding same are identified on each of the 20 invoices, including Acquia Cloud Site Factory and Acquia Site Factory.	The “net sales price” of Acquia product subscriptions and services are identified on each of the 20 invoices and total 
Invoices (Acquia001441-1468)	Invoices raised by Acquia to Mars.	Documents produced on January 26, 2024.	Acquia	Mars	Acquia product subscriptions and services and dates regarding same are identified on each of the 19 invoices,	The “net sales price” of Acquia product subscriptions and services are identified on each of the 19 invoices

					including Acquia Cloud Site Factory and Acquia Site Factory.	and total [REDACTED]
Order Form (Acquia001020-1022)	Order raised by Acquia to Mars.	11/7/2018	Acquia	Mars	Acquia product subscriptions and services and dates regarding same are identified on Order Form, including Acquia Cloud Site Factory, Acquia Cloud Edge, and Acquia Journey.	The “net sales price” of Acquia product subscriptions and services are identified on Order Form and total [REDACTED]
Order Form (Acquia001023-1024)	Order raised by Acquia to Mars.	6/19/2019	Acquia	Mars	Acquia product subscription and service and date regarding same is identified on Order Form, including Acquia Cloud Site Factory.	The “net sales price” of Acquia product subscriptions and services is identified on Order Form and totals [REDACTED]
Order Form (Acquia001025-1026)	Order raised by Acquia to Mars.	9/16/2019	Acquia	Mars	Acquia product subscriptions and services and dates regarding same are identified on Order Form, including	The “net sales price” of Acquia product subscriptions and services are identified on Order Form and total [REDACTED]

					Acquia Cloud Site Factory and Acquia Cloud Edge.	
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INTERROGATORY NO. 2: Identify each and every Acquia product that is the basis for Your claim for commissions due from Your resale to WBA of Acquia products as alleged in Complaint ¶ 21 and for each identified product, state; (a) The name of the Acquia product; (b) The date of the Acquia product initial subscription or service; (c) the date(s) of Acquia product subscription or service that are the basis of Your claim for unpaid commissions; and (d) net sales price of the subscription or services that is the basis of Your claim for unpaid commissions.

RESPONSE:

Document Type	General Subject Matter	Date	Author	Recipients	The date(s) of Acquia product subscription or service that are the basis of Your claim for unpaid commissions	The net sales price of the subscription or services that is the basis of Your claim for unpaid commissions
Excel spreadsheet (Acquia001484-1513 - HIGHLY CONFIDENTIAL - Bayer Mars Walgreens - All Deals 4879-4696-7203 v.1)	“All Deals” between Walgreens and Acquia, including (among other things) the opportunity record type, account name, opportunity name, stage, fiscal period, amount, exchange rate, USD	Document produced by Acquia on January 26, 2024.	Acquia	Unknown	Acquia product subscriptions and services are identifiable by Acquia from the information contained in column E (Opportunity Name), rows 478 -507. The date of Acquia product subscriptions and services that are the	The “net sales price” of Acquia product subscriptions and services for “Closed Won” are identified in column K (USD Amount) and totals 


	amount, expected revenue currency, close date, created date, net total first year USD, total ACV, ACV bookings sum, non recurring revenue USD, upsell bookings USD, new bookings USD, and renewal bookings USD.				basis of Photon's claim for unpaid commissions is found in column P (Close Date).	
Order Form (Acquia001546-1548)	Order raised by Acquia to Walgreens.	Document produced on January 26, 2024.	Acquia	Walgreens	Acquia product subscriptions and services and dates regarding same are identified on Order Form, including Acquia Cloud Platform Plus.	The "net sales price" of Acquia product subscriptions and services are identified on Order Form and total [REDACTED]
Order Form (Acquia001549-1552)	Order raised by Acquia to Walgreens.	Document produced on January 26, 2024.	Acquia	Walgreens	Acquia product subscriptions and services and dates regarding same are	The "net sales price" of Acquia product subscriptions and services are identified

					identified on Order Form, including Acquia Cloud Platform Plus.	on Order Form and total [REDACTED]
Order Form (Acquia001553-1554)	Order raised by Acquia to Walgreens.	Document produced on January 26, 2024.	Acquia	Walgreens	Acquia product subscription and service and date regarding same is identified on Order Form, including Acquia Cloud Platform Plus.	The “net sales price” of Acquia product subscriptions and services are identified on Order Form and total [REDACTED]

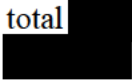
INTERROGATORY NO. 3: Identify each and every Acquia product that is the basis for Your claim for commissions due from Your alleged referral of Bayer to Acquia as alleged in Complaint ¶ 22 and for each identified product, state; (a) The name of the Acquia product; (b) The date of the Acquia product initial subscription or service; (c) the date(s) of Acquia product subscription or service that are the basis of Your claim for unpaid commissions; and (d) net sales price of the subscription or services that is the basis of Your claim for unpaid commissions.

RESPONSE:

Document Type	General Subject Matter	Date	Author	Recipients	The date(s) of Acquia product subscription or service that are the basis of Your claim for unpaid commissions	The net sales price of the subscription or services that is the basis of Your claim for unpaid commissions
Excel spreadsheet (Acquia001484-1513 - HIGHLY CONFIDENTIAL - Bayer Mars	“All Deals” between Bayer and Acquia,	Document produced by Acquia on	Acquia	Unknown	Acquia product subscriptions and services are	The “net sales price” of Acquia product subscriptions

Walgreens - All Deals 4879-4696-7203 v.1)	including (among other things) the opportunity record type, account name, opportunity name, stage, fiscal period, amount, exchange rate, USD amount, expected revenue currency, close date, created date, net total first year USD, total ACV, ACV bookings sum, non recurring revenue USD, upsell bookings USD, new bookings USD, and renewal bookings USD.	January 26, 2024.			identifiable by Acquia from the information contained in column E (Opportunity Name), rows 3 - 372. The date of Acquia product subscriptions and services that are the basis of Photon's claim for unpaid commissions is found in column P (Close Date).	and services for "Closed Won" are identified in column K (USD Amount) and totals 
Order Form (Acquia001180-1181)	Order raised by Acquia to Bayer.	8/10/2017	Acquia	Bayer	Acquia product subscriptions and services	The "net sales price" of Acquia product

					and dates regarding same are identified on Order Form, including Acquia Cloud Site Factory.	subscriptions and services are identified on Order Form and total [REDACTED]
Order Document (Acquia001162-1177)	Order raised by Acquia to Bayer.	4/20/2018	Acquia	Bayer	Acquia product subscriptions and services and dates regarding same are identified on Order Document, including Acquia Cloud Site Factory and Acquia Life.	The “net sales price” of Acquia product subscriptions and services are identified on Order Form and total [REDACTED]
Order Form (Acquia001182-1183)	Order raised by Acquia to Bayer.	11/6/2018	Acquia	Bayer	Acquia product subscriptions and services and dates regarding same are identified on Order Form, including Acquia Cloud Site Factory.	The “net sales price” of Acquia product subscriptions and services are identified on Order Form and total [REDACTED]
Order Form (Acquia001178-1179)	Order raised by Acquia to Bayer.	3/29/2019	Acquia	Bayer	Acquia product subscriptions and services and dates regarding same are identified on Order Form,	The “net sales price” of Acquia product subscriptions and services are identified on Order Form and

					including Acquia Cloud.	total 
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Dated: March 27, 2024

FROST BROWN TODD LLP

By: /s/ Samuel E. Joyner

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*Attorneys for Plaintiff North America
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VERIFICATION

As for the interrogatory responses, signed under the pains and penalties of perjury this 27th
day of March 2024.

/s/ Christopher Sargent

Christopher Sargent, General Counsel, on behalf
of North America Photon Infotech, Ltd.

CERTIFICATE OF SERVICE

In accordance with Federal Rule of Civil Procedure 5, I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via electronic mail on March 27, 2024.

/s/ Samuel E. Joyner

Samuel E. Joyner